



US Army Corps
of Engineers®

Public Notice

Public Notice No. 03-88

Date: November 6, 2003

Nashville District

Application No. 200301632

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF TENNESSEE

SUBJECT: Proposed Fill and Encapsulation of an Unnamed Tributary to Whitehorn Creek, Hawkins County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344)**.

Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: U.S. Fence, Inc.
700 North Main Street
Bulls Gap, Tennessee 37711

LOCATION: Unnamed Tributary to Whitehorn Creek
Hawkins County, Tennessee
lat: 36-16-14 lon: 83-4-17
USGS – Bulls Gap, Tennessee

DESCRIPTION: The proposed work consists of the placement of a 60-inch reinforced concrete pipe (RCP) resulting in the encapsulation of approximately 600 linear feet of an unnamed tributary to Whitehorn Creek. Two existing 30' road crossings would be removed within the 600' area resulting in a new encapsulation of 540' of stream. The purpose of the project is for the expansion of an existing building located on U.S. Fence property to provide for efficiency of production of finished product. The unnamed tributary runs straight through the property suggesting that it was channelized in the past. The stream at the proposed encapsulation is approximately 2-3' in width.

The applicant has constructed approximately 1450' of new channel as mitigation for the loss of the stream functions and values for the proposed culverting. The banks have been stabilized with fescue sod. The applicant proposes to divert normal stream flow into the constructed channel upon approval (see plans). Trees identified in the plans would be

planted on 10' centers throughout the 1450' of constructed streambed. The applicant would provide a buffer zone ranging from 10-30' in width on both sides of the constructed stream. Approximately 180' of the constructed channel would be encapsulated to provide access to the main entrance of the plant. The constructed channel would also drain into Whitehorn Creek. The culverted unnamed tributary would act as a high flow channel during rain events.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

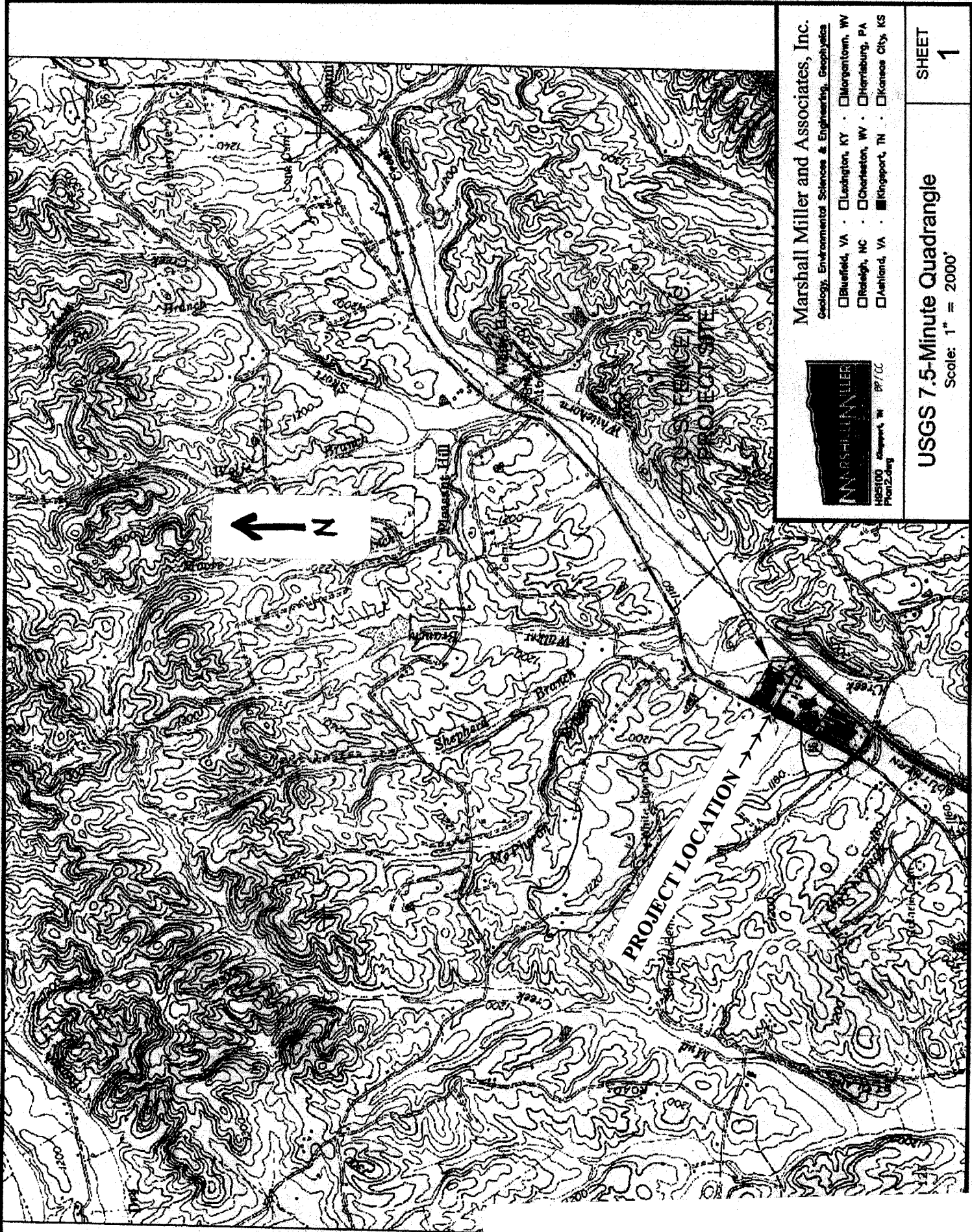
Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

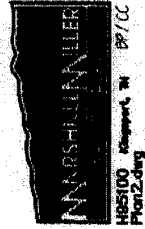
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before December 6, 2003, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Carl Olsen, at the above address, telephone (615) 369-7513. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to:

Mr. Freddie Bennett
TVA
Suite 218, 4105 Fort Henry Drive
Kingsport, TN 37663



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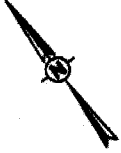
USGS 7.5-Minute Quadrangle
Scale: 1" = 2000'

SHEET
1

USGS - BULLS GAP, TENN.

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EXISTING STREAM



EXISTING CHANNEL PROPOSED FOR HIGH FLOW EVENTS

FLOW CONTROL STRUCTURE (SEE SHEET 5)

NEW CHANNEL PROPOSED FOR NORMAL BASE FLOW

NEW CHANNEL PROPOSED FOR NORMAL BASE FLOW (SEE SHEET 7 FOR A SIMILARITY DETAIL OF THE STREAM)

EXISTING

EXISTING 30' CMP

EXISTING 30' CMP

600' PROPOSED 60" Ø CONC. PIPE

EXISTING CHANNEL PROPOSED FOR HIGH FLOW EVENTS

PROPOSED BUILDING ADDITION

DISPENSARY

RELOCATION

36" existing CMP



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Furness.dwg
07/00

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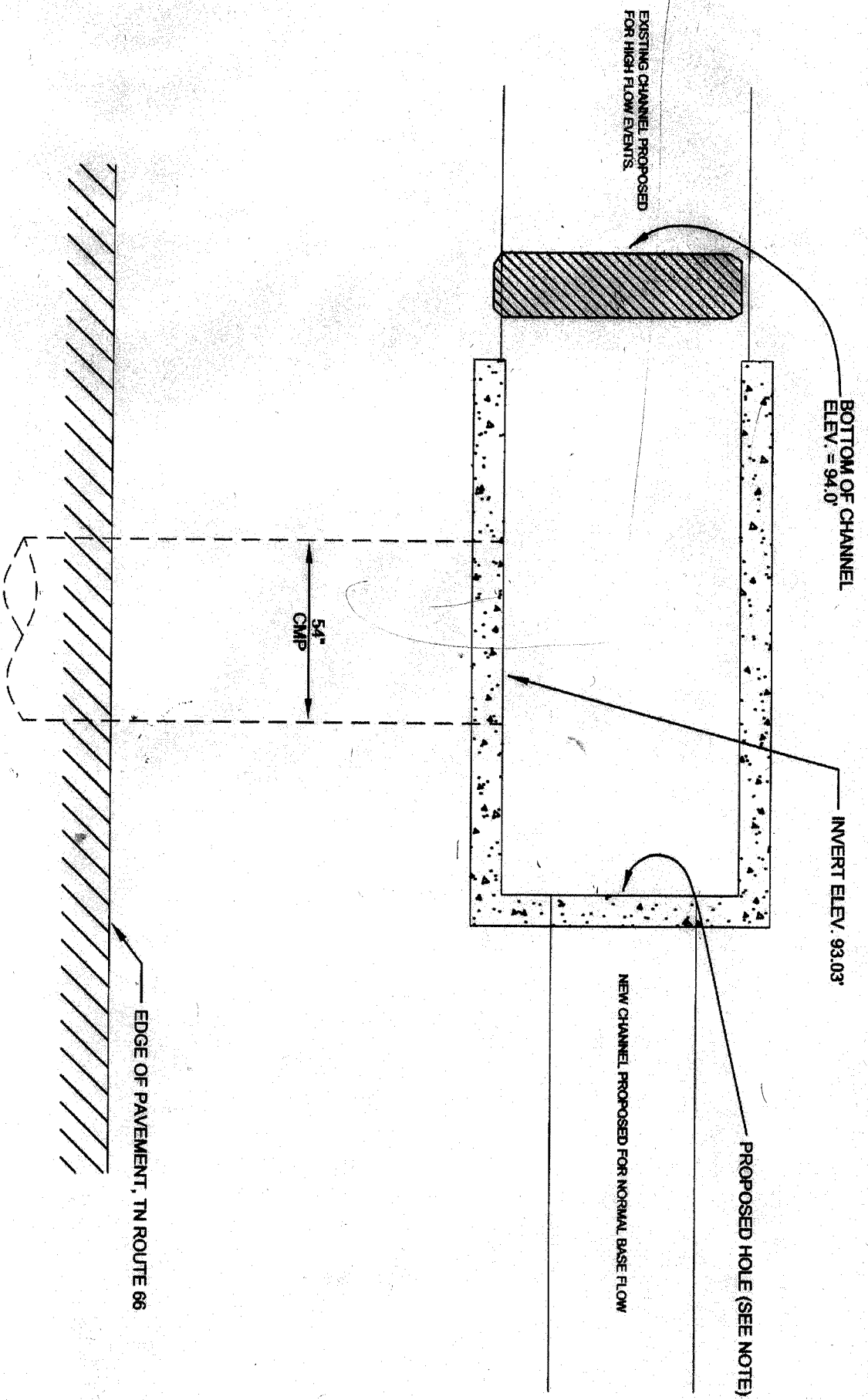
Plan View

Scale: 1" = 200'

SHEET

2

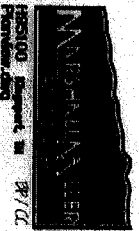
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NOTE:
CUT A HOLE IN THE EXISTING CONCRETE STRUCTURE.
IT SHALL BE 24" WIDE BY 3' HIGH, WITH AN
INVERT ELEVATION OF 93.0'

FLOW CONTROL STRUCTURE

N.T.S.



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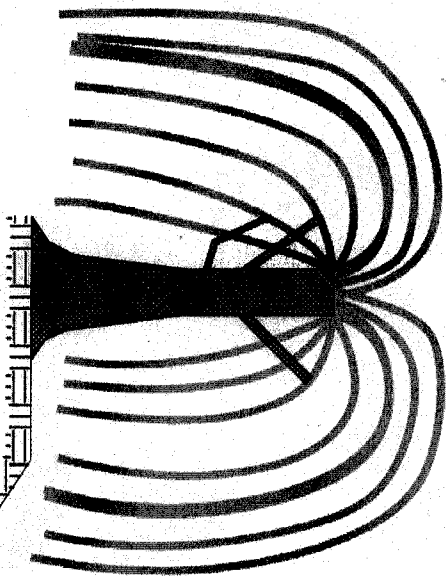
Flow Control Structure

US FENCE

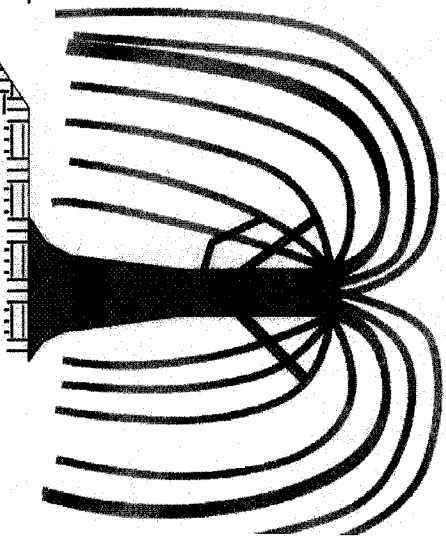
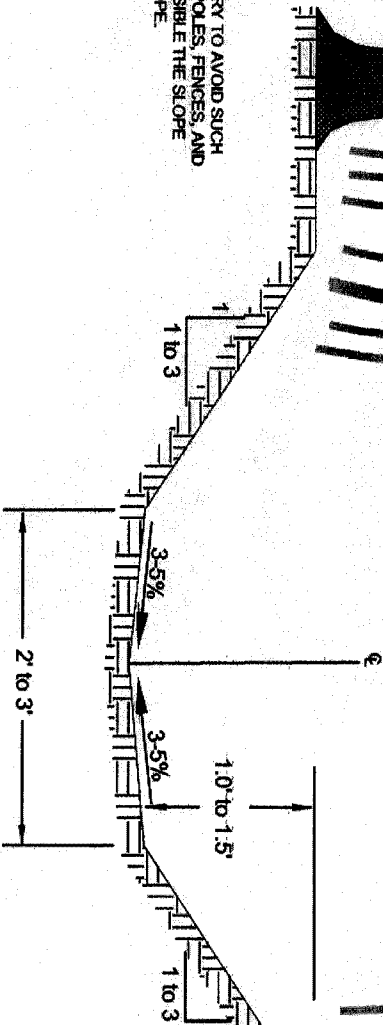
SHEET

5

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NOTE: SIDE SLOPES WILL VARY TO AVOID SUCH OBSTRUCTIONS AS UTILITY POLES, FENCES, AND BUILDINGS. WHENEVER POSSIBLE THE SLOPE SHALL BE BUILT TO A 3:1 SLOPE.



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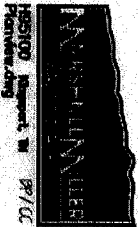
NOTE: SLOPES THAT ARE STEEPER THAN 2:1, AND ON THE OUTSIDE SLOPE OF THE CHANNEL BEND LOCATED NEAR THE INTERSECTION OF THE TWO STATE ROADS AT THE SOUTH END OF THE PROPERTY SHALL BE PROTECTED WITH NORTH AMERICAN GREEN SC250, OR EQUIVALENT. IT SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.

TYPICAL NEW CHANNEL CROSS SECTION

N.T.S.

BOTANICAL NAMES	COMMON NAME	NUMBER	SIZE
SALIX NIGRA	BLACK WILLOW	32	3 B&B
CORNUS STOLONIFERA	REDOSIER DOGWOOD	32	3 B&B
CERCIS CANADENSIS	EASTERN REDBUD	32	4 B&B
AMELANCHIER ALNIFOLIA	SERVICEBERRY	32	1' B&B
GRASSES			
ANNUAL RYE			
WARM SEASON GRASSES			

APPLIED ACCORDING TO MFR'S INSTRUCTIONS

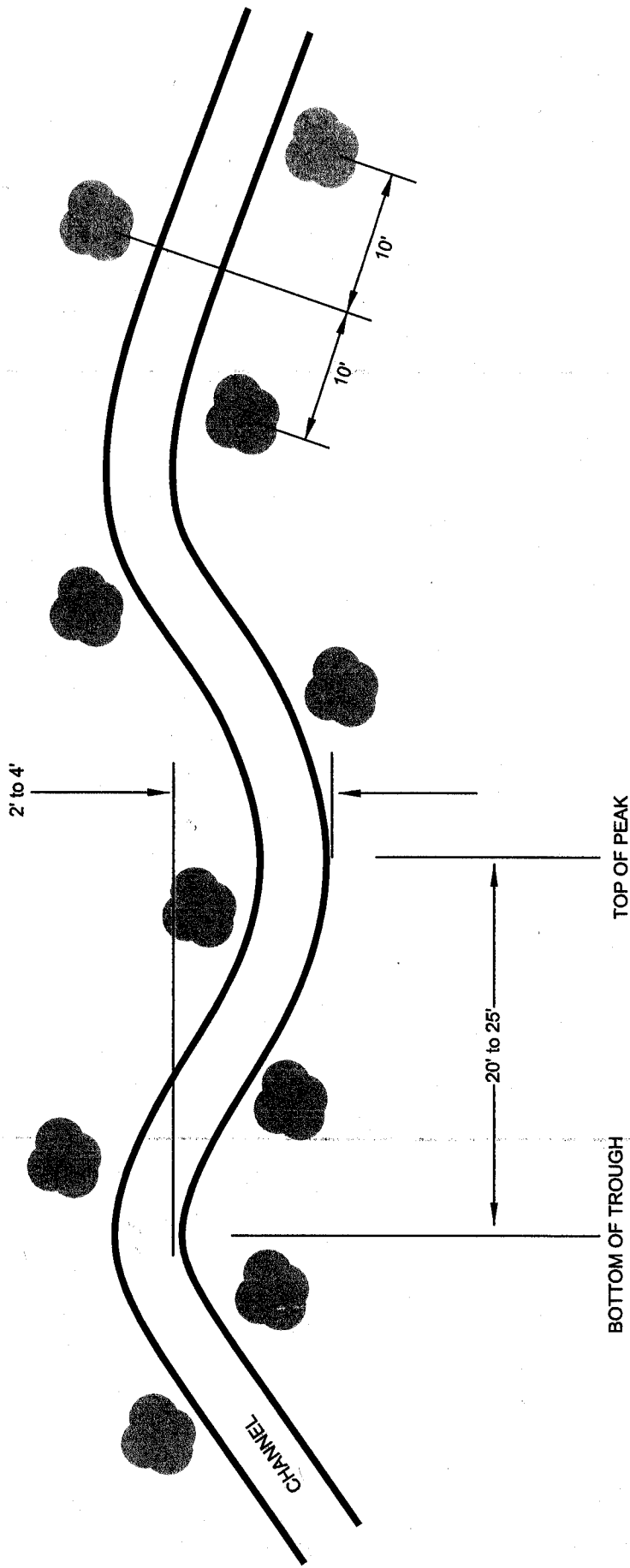


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Typical New Channel Cross Section

US FENCE

SHEET
3



SINUOSITY DETAIL

N.T.S.

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Sinuousity Detail
US FENCE

SHEET
7

Stream proposed to be encapsulated ~600'



Area before channel creation



Stream 
Flow Control Structure (See Sheet 5)

FLOW
TO BE
DIVERTED
THIS
DIRECTION



Area after channel creation




CONSTRUCTED
CHANNEL

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